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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 MIGUEL ANGEL JIMENEZ,

14 Defendant.

CASE NO. CR07-0343JLR

ORDER DENYING MOTIONS

15 This matter comes before the court on Defendant Miguel Angel Jimenez's
16 renewed motion for judgment of acquittal, motion in arrest of judgment, and motion for a
17 new trial (Dkt. # 399). The court previously denied the oral motions to sever, for
18 judgment of acquittal, and for a new trial raised by Mr. Jimenez during and at the close of
19 his trial (Dkt. # 396) as well as Mr. Jimenez's motion for judgment of acquittal on Counts
20 3 through 19 (Dkt. ## 356 (motion) & 395 (order)). The court DENIES Mr. Jimenez's
21 renewed motion for judgment of acquittal, motion in arrest of judgment, and motion for a
22 new trial (Dkt. # 399).

1 **A. Renewed Motion for Judgment of Acquittal**

2 The court construes Mr. Jimenez's renewed motion for judgment of acquittal as to
3 Counts 1 and 2 and renewed motion for judgment of acquittal as to Counts 3 through 19
4 as a motion for reconsideration of the court's rulings denying his prior motions for
5 judgment of acquittal. (*See* Dkt. ## 355, 356.) Local Criminal Rule 12(c)(11) provides,
6 in pertinent part, as follows:

7 Motions for reconsideration are disfavored. The court will ordinarily deny
8 such motions in the absence of showing a manifest error in the prior ruling
9 or a showing of new facts which could not have been brought to its
10 attention earlier with reasonable diligence.

11 Local Rules W.D. Wash. CrR 12(c)(11)(A). Having reviewed Mr. Jimenez's motion, the
12 record, and the relevant law, the court concludes that Mr. Jimenez has not made either
13 showing with respect to his motions for judgment of acquittal. Mr. Jimenez's motion
14 does not present any legal argument, nor does it identify any facts that were not available
15 to the court when it denied his prior motions. The court therefore DENIES Mr.
16 Jimenez's motion for reconsideration of the court's orders denying his prior motions for
17 judgment of acquittal.

18 **B. Motion for Arrest of Judgment**

19 Mr. Jimenez moves for arrest of judgment on Counts 1 and 2 on the ground that
20 the court lacks subject matter jurisdiction over those counts. Federal Rule of Criminal
21 Procedure 34 provides, in relevant part, that the court must arrest judgment if the
22 indictment does not charge an offense or the court does not have jurisdiction of the
charged offense. Fed. R. Crim. P. 34(a). The court denied Mr. Jimenez's prior motions

1 to dismiss Counts 1 and 2 for lack of subject matter jurisdiction. (*See* Dkt. ## 85, 287,
2 385 (motions); Dkt. ## 147, 332, 396 (rulings).) In the motion now before the court, Mr.
3 Jimenez raises no new legal arguments and cites no authority in support of his challenge
4 to the court's jurisdiction over Counts 1 and 2. The court therefore DENIES Mr.
5 Jimenez's motion for arrest of judgment for the same reasons it denied his prior motions
6 to dismiss.

7 **C. Motion for a New Trial**

8 Finally, Mr. Jimenez moves for a new trial. Federal Rule of Criminal Procedure
9 33 provides that the court may vacate any judgment and grant a new trial if the interest of
10 justice so requires. Fed. R. Crim. P. 33(a). Mr. Jimenez contends that he is entitled to a
11 new trial based on a number of the court's rulings on motions made by Mr. Jimenez both
12 before and during trial.¹ (Mot. at 2-3.) Mr. Jimenez also asserts that Agent Vincent
13 Carpio presented "untruthful" testimony at trial and argues that the evidence was
14 insufficient for the jury to convict him on Counts 1 through 19. (*Id.*) Having considered
15 Mr. Jimenez's motion, the trial record, and the relevant law, the court DENIES Mr.
16 Jimenez's motion for a new trial.

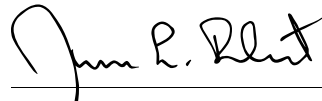
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21 ¹ Contrary to Mr. Jimenez's assertions, the court authorized funding for one of Mr.
22 Jimenez's witnesses to travel from Colombia (*see* Dkt. # 332) and ruled on his motion for
judgment of acquittal on counts 3 through 19 (*see* Dkt. # 395).

1 Dated this 16th day of May, 2011.

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4 JAMES L. ROBART
5 United States District Judge
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